

SOLE-SOURCING REQUIREMENTS

Sole sourcing of items is discouraged and is subject to the Federal Acquisition Regulations (FAR) and approval by ADOT. Below are excerpts from the regulation that pertain to sole-sourcing. The link to the FAR is <http://acquisition.gov/comp/far/index.html>.

In order to meet the FAR requirements, submit a letter on your City or Town letterhead requesting approval to use specific brands. Giving the description of the product, the City's justification for sole-sourcing its use, and estimated value. Under the Department's Certification Acceptance agreement with FHWA, ADOT's Chief Landscape Architect is the approving authority for sole-source items related to site and landscape architectural related items. The request will be reviewed and forwarded by the ADOT project manager with a recommendation to Leroy Brady Manager/Chief Landscape Architect, Roadside Development Section for action. The product descriptions for each item need to include, in addition to the brand name, a description of the salient physical, functional, or performance characteristics of the brand name item that an "equal" item must meet to be acceptable for use on the project.

11.104 Use of brand name or equal purchase descriptions.

(a) While the use of performance specifications is preferred to encourage offerors to propose innovative solutions, the use of brand name or equal purchase descriptions may be advantageous under certain circumstances.

(b) Brand name or equal purchase descriptions must include, in addition to the brand name, a general description of those salient physical, functional, or performance characteristics of the brand name item that an "equal" item must meet to be acceptable for award. Use brand name or equal descriptions when the salient characteristics are firm requirements.

11.105 Items peculiar to one manufacturer.

Agency requirements shall not be written so as to require a particular brand name, product, or a feature of a product, peculiar to one manufacturer, thereby precluding consideration of a product manufactured by another company, unless:

(a) The particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs;

(b) The authority to contract without providing for full and open competition is supported by the required justifications and approvals...

6.303 Justifications.
6.303-1 Requirements.
6.303-2 Content.

(a) Each justification shall contain sufficient facts and rationale to justify the use of the specific authority cited. As a minimum, each justification shall include the following information:

(1) Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition."

(2) Nature and/or description of the action being approved.

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(3) A description of the supplies or services required meeting the agency's needs (including the estimated value).

(4) An identification of the statutory authority permitting other than full and open competition.

(9) Any other facts supporting the use of other than full and open competition...

6.304. The justification should indicate that the use of such descriptions in the acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

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